

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-090179

10/14/2003

HON. BARBARA M. JARRETT

CLERK OF THE COURT
M. Brady
Deputy

FILED: 10/20/2003

HEIDI GRISSOM

KARL S PEARSON

v.

JOSEPH THADDEUS SOBOTA, et al.

THOMAS P GANNON

MINUTE ENTRY

The Court has reviewed and considered Plaintiff's Statement of Costs and Proposed Form of Judgment, Defendant's objection thereto and the reply. The Court now makes the following findings and enters the following orders.

IT IS ORDERED sustaining Defendants' objection to Plaintiff's request for reimbursement for a copy of the arbitration transcript. The Court agrees with Defendant that Plaintiff is not entitled to be reimbursed for that expense.

IT IS FURTHER ORDERED sustaining Defendants' objection to Plaintiff's request for copy costs, as Plaintiff has withdrawn that request.

IT IS FURTHER ORDERED sustaining Defendants' objection to Plaintiff's request for reimbursement for filing fees and "service of documents" fees. The Court agrees with Defendants that those costs are not allowed under A.R.S. §12-332. While plaintiff argues that such costs should be considered as "fees of officers and witnesses" under §12-332 (A)(1), the Court disagrees with such an interpretation of the statute. Had the Arizona Legislature wished to include costs for filing fees as taxable costs in §12-332, it could have employed language similar to that found in §12-332(1), providing that taxable costs in the supreme court include, "The amount paid to the clerk of that court." Similarly, had the Legislature wished to have included as taxable costs the expenses incurred in serving documents it could have done so. The omission of these costs from the statute means that they are not recoverable.

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IT IS FURTHER ORDERED overruling Defendants objection to Plaintiff's request for reimbursement of the cost of obtaining a transcript of Dr. Zoltan's deposition. The Court, in its discretion, determines that Plaintiff is entitled to reimbursement pursuant to §12-332(A)(2). See State ex rel. Corbin v. Arizona Corp. Com'n., 143 Ariz. 219 (App. 1984).

For the preceding reasons,

IT IS ORDERED awarding plaintiff her taxable costs in the total amount of \$622.55.

All in accordance with formal written Order signed by the Court on 10/14/03 and entered (filed) by the Clerk on 10/14/03.